IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

PATRICIA A. McPHERSON, et al.,)	
)	
Plaintiffs,)	
)	
v.) CIVIL ACTION 05-0	341-WS-C
)	
MARK NELSON VODER, et al.,)	
)	
Defendants.)	

ORDER

On June 29, 2005, defendant McElroy Truck Lines, Inc., filed a Motion to Dismiss (doc. 4) pursuant to Rule 12(b), Fed.R.Civ.P. McElroy maintains that federal jurisdiction is lacking and that venue is improper. McElroy apparently bases its jurisdictional argument exclusively on the unsupported representations of counsel as to what he purportedly "has verified" about the citizenship of particular parties. (*See* doc. 4.) On the same date, defendant Alfa Mutual Insurance Company filed a Motion to Dismiss (doc. 5) pursuant to Rule 12(b)(1) for the stated reason that "there is adversity in this case." Although it would be a most unusual civil action that did not feature adversity, Alfa apparently means to challenge federal subject matter jurisdiction.

In their present form, both Motions are inadequate. Local Rule 7.1(a) provides that "[a]ny motion filed pursuant to Rule 12(b) or Rule 56 of the Federal Rules of Civil Procedure must be supported by a brief. Failure to file a brief may result in the denial of the motion." *Id.* Neither of the cursory Motions to Dismiss identified above comports with LR 7.1(a). Accordingly, McElroy and Alfa are **ordered** to file memoranda of law, supported by legal authority as appropriate, on or before **July 14, 2005**. To the extent that these motions are predicated on the citizenship of allegedly non-diverse defendants, the Court expects the movants to submit appropriate evidence of that citizenship, above

and beyond the mere unvarnished representations of counsel, concurrently with their memoranda.1

Any party opposing either Motion must file a response, supported by legal authority as appropriate, on or before **July 28, 2005**. To the extent that any nonmovant disputes the movants' evidence related to citizenship of the parties, the nonmovant is expected to make a countervailing evidentiary showing at that time. Movants will be allowed until **August 4, 2005** to file a reply.

If the Court determines that oral argument is necessary, the parties will be notified and a hearing will be scheduled. Otherwise, both Motions will be taken under submission after August 4, 2005.

DONE and ORDERED this 5th day of July, 2005.

s/ WILLIAM H. STEELE
UNITED STATES DISTRICT JUDGE

Additionally, defendant Alfa is directed to take appropriate steps to ensure that inappropriate product or website advertisements such as that appearing in the footer of their Motion to Dismiss do not appear in subsequent pleadings they may file in this District Court.